

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-cr-13

v.

HON. JANET T. NEFF

ORLANDO BELL,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Orlando Bell has filed a motion for modification or reduction of sentence (Dkt 174) pursuant to 18 U.S.C. § 3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 174) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED because in the exercise of my discretion I have determined that while the amendment applies, the relief requested is not warranted on the facts of this case.

DATED: December 7, 2012

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge